IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 18557 of 2006(H)

PETITIONER:

SR.ROSITA, D/O.LATE SAMUEL,
AGED 65 YEARS, MANAGER, ST.ANN'S CORPORATE
EDUCATION AGENCY, ST.MARY'S CONVENT,
MARAYOOR, DEVIKULAM TALUK, IDUKKI DISTRICT.

BY ADV. SRI.SUNIL V.MOHAMMED

RESPONDENTS:
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1. THE STATE OF KERALA, REP. BY
THE SECRETARY TO GENERAL EDUCATION DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
KATTAPPANA, IDUKKI DISTRICT.

4. THE DISTRICT EDUCATIONAL OFFICER,
KATTAPPANA.

BY GOVERNMENT PLEADER SHRI D. ANILKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/32007, THE COURT ON 29/03/2007 DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF THE FORWARDING LETTER DATED 9.2.2001 ISSUED BY R4 TO R2

EXT.P2-TRUE COPY OF DO. DT.24.3.04 ALONG WITH THE SURVEY REPORT ISSUED TO R2 BY R4

EXT.P3-TRUE COPY OF DO. DATED 18.12.2004 BY DO DO.

EXT.P4-TRUE COPY OF REPRESENTATION DT.14.5.2000 PREFERRED BY THE PARENTS, PUBLIC AND PTA BEFORE THE GOVERNMENT

EXT.P5-TRUE COPY OF DO. DT.6.9.2004 BY PETITIONER BEFORE THE GOVERNMENT

EXT.P6-DO. DT.16.3.2005 BY PETITIONER BEFORE THE GOVERNMENT.

// TRUE COPY //

P.S. TO JUDGE

T.R. Ramachandran Nair, J.

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W.P.(C).NO.18557 of 2006-H

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Dated this the 29th day of March, 2007

JUDGMENT

The petitioner is the manager of an aided U.P. School. Presently, the petitioner's school is having classes upto 9th standard for which no recognition has been granted by the department. The petitioner is intending to have an upgradation of the school as a High School. It is also pointed out that on earlier occasions, when statutory notifications were being issued in various years, the petitioner had been submitting applications for upgradation and spot verifications have been conducted every time by the departmental authorities obviously to assess the facilities for upgradation as a High School. The writ petition is filed seeking for a direction to grant upgradation to the school. Ext.P3 is the communication from the District Educational Officer to the Deputy Director of Education and the proforma accompanying the same shows that the High School is proposed as an unaided school.

2. In the counter affidavit it has been pointed out that sanctioning/upgradation/recognition of the schools is purely a matter involving policy decision to be taken by the Government and that even

though there was a recommendation by the educational officers for upgradation of the school, there was no policy decision to open/upgrade schools in the aided sector. The stand taken is that in the case of aided schools Government have to bear the salary to staff, maintenance grant etc. which involve huge recurring financial burden on the state exchequer.

3. Since the petitioner is seeking upgradation in the unaided sector, the matter will have to be considered by the Government in the light of the statutory provisions in that regard. Therefore, respondents 1 and 2 are hereby directed to consider the case of the petitioner for upgradation of the U.P. School as High School in the unaided sector and appropriate decision in this regard will be taken within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of in the above terms.

(T.R. Ramachandran Nair, Judge.)

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